

PATENT
Attorney Docket No. 101.0092-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:)	Confirmation No.: 6591
Gary Karlin Michelson)	
Serial No.: 10/669,287)	Group Art Unit: 3738
Filed: September 24, 2003)	Examiner: Thomas Barrett
For: EXPANDABLE PUSH-IN ARCUATE)	
INTERBODY SPINAL FUSION)	
IMPLANT WITH TAPERED)	
CONFIGURATION DURING)	
INSERTION)	

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the document listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination (RCE) for the above-referenced application.

A copy of the non-U.S. listed document is attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

In lieu of a statement of relevance or translation of the non-English documents, an English language version of a search report from the European Patent Office in a corresponding application citing these documents and setting forth the relevance thereof is enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art

against any claim in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: September 19, 2005

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OMB 0651-0031

Substitute for FORM PTO-1449		Attorney Docket Number 101.0092-02000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary Karlin Michelson		Application Number 10/669,287	
(Use several sheets if necessary) Sheet 1 of 1		Filing Date September 24, 2003		Group Art Unit 3738	Examiner T. Barrett
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	FILING DATE IF APPROPRIATE
	6,059,829	05-2000	Schlapfer et al.		
FOREIGN PATENT DOCUMENTS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	TRANSLATION (YES/NO)
	WO 99/26562	06-1999	WIPO		Abstract Only
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)					
	European Search Report dated May 18, 2005 from European Patent Application No. EP05005293.				
EXAMINER		DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.					